

AMENDED IN ASSEMBLY APRIL 22, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 517

Introduced by Assembly Member Gallagher

February 23, 2015

An act to amend ~~Sections~~ *Section* 51938 and 51939 of the Education Code, relating to sexual health and HIV/AIDS prevention education.

LEGISLATIVE COUNSEL'S DIGEST

AB 517, as amended, Gallagher. The California Comprehensive Sexual Health and HIV/AIDS Prevention Education ~~Act; outside consultants; parental consent. Act: educational materials.~~

Existing law, the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, authorizes school districts to provide comprehensive sexual health education, consisting of age-appropriate instruction, in any of kindergarten and grades 1 to 12, inclusive, and requires school districts to ensure that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, as specified. Existing law requires *each* school ~~districts~~ *district* to notify parents and guardians about its plan to provide this instruction for the upcoming year and to inform them, among other things, ~~of their right to request that their child not receive comprehensive sexual health and HIV/AIDS prevention education. If a school has received a written request from a pupil's parent or guardian excusing the pupil from participation, the pupil is prohibited from attending a class in comprehensive sexual health and HIV/AIDS prevention education or participating in an otherwise authorized anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks. that written and audiovisual educational materials used in this instruction are available~~

for inspection and of the name of the organization or affiliation of any guest speaker.

~~This bill would require, if a school district elects to provide comprehensive sexual health education or HIV/AIDS prevention education, to be taught by outside consultants, or to hold an assembly to deliver comprehensive sexual health education or HIV/AIDS prevention education by guest speakers, the school district to request written permission from a pupil's parent or guardian for the pupil to participate in that class or assembly, and advise the parent or guardian that his or her written permission is required to authorize the pupil to participate in that class or assembly. The bill would prohibit a pupil from attending a class in comprehensive sexual education or HIV/AIDS prevention education, taught by outside consultants, or an assembly that delivers comprehensive sexual education or HIV/AIDS prevention education by guest speakers, unless the school has received prior written permission from the pupil's parent or guardian authorizing the pupil to participate in that class or assembly. The bill would prohibit a pupil from being subject to disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian does not give written permission for the pupil to attend a class in comprehensive sexual education or HIV/AIDS prevention education, taught by outside consultants, or an assembly that delivers comprehensive sexual education or HIV/AIDS prevention education by guest speakers. The bill would also require, while comprehensive sexual health education or HIV/AIDS prevention education, taught by outside consultants, or an assembly that delivers comprehensive sexual education or HIV/AIDS prevention education by guest speakers is being administered, that an alternative educational activity be made available to pupils whose parents or guardians have not provided written permission for the pupil to attend that class or assembly.~~

This bill would require a school district to provide a parent or guardian with ample time to inspect any written or audiovisual educational material used in comprehensive sexual health education and HIV/AIDS prevention education and would authorize a parent or guardian to make copies of any such written educational material that has been or will be presented by an outside consultant or guest speaker. The bill would also require a school district to inform parents and guardians of their right to make these copies and of the relevant credentials of any outside consultant or guest speaker providing this instruction.

Because this bill would require local educational agencies to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51938 of the Education Code is amended
2 to read:

3 51938. A parent or guardian of a pupil has the right to excuse
4 their child from all or part of comprehensive sexual health
5 education, HIV/AIDS prevention education, and assessments
6 related to that education, as follows:

7 (a) At the beginning of each school year, or, for a pupil who
8 enrolls in a school after the beginning of the school year, at the
9 time of that pupil's enrollment, each school district shall notify
10 the parent or guardian of each pupil about instruction in
11 comprehensive sexual health education and HIV/AIDS prevention
12 education and research on pupil health behaviors and risks planned
13 for the coming year. The notice shall do all of the following:

14 (1) Advise the parent or guardian that written and audiovisual
15 educational materials used in comprehensive sexual health
16 education and HIV/AIDS prevention education are available for
17 ~~inspection~~. *inspection and that during this inspection a parent or*
18 *guardian may make copies at the parent's or guardian's pupil's*
19 *school of any written educational material that is not copyrighted*
20 *that has been or will be presented by an outside consultant or guest*
21 *speaker.*

22 (2) Advise the parent or guardian whether the comprehensive
23 sexual health education or HIV/AIDS prevention education will
24 be taught by school district personnel or by outside consultants.
25 A school district may provide comprehensive sexual health
26 education or HIV/AIDS prevention education, to be taught by

1 outside consultants, or may hold an assembly to deliver
2 comprehensive sexual health education or HIV/AIDS prevention
3 education by guest speakers, ~~only with written permission of the~~
4 ~~parent or guardian of each pupil present. If a school district~~ *but if*
5 *it* elects to provide comprehensive sexual health education or
6 HIV/AIDS prevention education in either of these manners, the
7 notice shall include the date of the instruction, the name of the
8 organization or affiliation of each *outside consultant and* guest
9 speaker, *the relevant credentials of each outside consultant and*
10 *guest speaker, and* information stating the right of the parent or
11 guardian to request a copy of this section, Section 51933, and
12 ~~Section 51934, and a request for the written permission of the~~
13 ~~pupil's parent or guardian for the pupil to participate in that class~~
14 ~~or assembly, and shall advise the parent or guardian that his or her~~
15 ~~written permission is required to authorize the pupil to participate~~
16 ~~in that class or assembly. 51934.~~ If arrangements for this instruction
17 are made after the beginning of the school year, notice shall be
18 made by mail or another commonly used method of notification,
19 no fewer than 14 days before the instruction is delivered.

20 (3) Include information explaining the parent's or guardian's
21 right to request a copy of this chapter.

22 (4) Advise the parent or guardian that the parent or guardian
23 may request in writing that his or her child not receive
24 comprehensive sexual health education or HIV/AIDS prevention
25 education.

26 *(b) A school district shall provide a parent or guardian, upon*
27 *request, ample time to inspect any written or audiovisual*
28 *educational material used in comprehensive sexual health*
29 *education and HIV/AIDS prevention education. A parent or*
30 *guardian may, during inspection, make copies at the parent's or*
31 *guardian's pupil's school of any written educational material that*
32 *is not copyrighted that has been or will be presented by an outside*
33 *consultant or guest speaker.*

34 ~~(b)~~

35 (c) Notwithstanding Section 51513, anonymous, voluntary, and
36 confidential research and evaluation tools to measure pupils' health
37 behaviors and risks, including tests, questionnaires, and surveys
38 containing age-appropriate questions about the pupil's attitudes
39 concerning or practices relating to sex may be administered to any
40 pupil in grades 7 to 12, inclusive, if the parent or guardian is

1 notified in writing that this test, questionnaire, or survey is to be
2 administered and the pupil's parent or guardian is given the
3 opportunity to review the test, questionnaire, or survey and to
4 request in writing that his or her child not participate.

5 (e)

6 (d) The use of outside consultants or guest speakers as described
7 in paragraph (2) of subdivision (a) is within the discretion of the
8 school district.

9 ~~SEC. 2. Section 51939 of the Education Code is amended to~~
10 ~~read:~~

11 ~~51939. (a) (1) A pupil shall not attend a class in~~
12 ~~comprehensive sexual education or HIV/AIDS prevention~~
13 ~~education, or participate in any anonymous, voluntary, and~~
14 ~~confidential test, questionnaire, or survey on pupil health behaviors~~
15 ~~and risks, if the school has received a written request from the~~
16 ~~pupil's parent or guardian excusing the pupil from participation.~~

17 ~~(2) A pupil shall not attend a class in comprehensive sexual~~
18 ~~education or HIV/AIDS prevention education, taught by outside~~
19 ~~consultants, or an assembly that delivers comprehensive sexual~~
20 ~~education or HIV/AIDS prevention education by guest speakers;~~
21 ~~unless the school has received prior written permission from the~~
22 ~~pupil's parent or guardian authorizing the pupil to participate in~~
23 ~~that class or assembly.~~

24 ~~(b) A pupil shall not be subject to disciplinary action, academic~~
25 ~~penalty, or other sanction if the pupil's parent or guardian declines~~
26 ~~to permit the pupil to receive comprehensive sexual health~~
27 ~~education or HIV/AIDS prevention education or to participate in~~
28 ~~anonymous, voluntary, and confidential tests, questionnaires, or~~
29 ~~surveys on pupil health behaviors and risks, or if the pupil's parent~~
30 ~~or guardian has not provided written permission for the pupil to~~
31 ~~attend a class in comprehensive sexual education or HIV/AIDS~~
32 ~~prevention education, taught by outside consultants, or an assembly~~
33 ~~that delivers comprehensive sexual education or HIV/AIDS~~
34 ~~prevention education by guest speakers.~~

35 ~~(c) (1) While comprehensive sexual health education,~~
36 ~~HIV/AIDS prevention education, or anonymous, voluntary, and~~
37 ~~confidential test, questionnaire, or survey on pupil health behaviors~~
38 ~~and risks is being administered, an alternative educational activity~~
39 ~~shall be made available to pupils whose parents or guardians have~~

1 requested that they not receive the instruction or participate in the
2 test, questionnaire, or survey.

3 ~~(2) While comprehensive sexual health education or HIV/AIDS~~
4 ~~prevention education, taught by outside consultants, or an assembly~~
5 ~~that delivers comprehensive sexual education or HIV/AIDS~~
6 ~~prevention education by guest speakers is being administered, an~~
7 ~~alternative educational activity shall be made available to pupils~~
8 ~~whose parents or guardians have not provided written permission~~
9 ~~for the pupil to attend that class or assembly.~~

10 ~~SEC. 3.~~

11 *SEC. 2.* If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.